



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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IN REPLY REFER TO:

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**Report to District Court of Oregon
Regarding Compliance with Order of Modified Injunction
ONDA v. Palma (Owyhee Wild and Scenic River)
Civil No. 98-97-RE
March 1, 2012**

The following is the Bureau of Land Management's (BLM) twelfth annual report – pursuant to section 12 of the Order of Modified Injunction of April 28, 2000. We are reporting on: 1) compliance with the Order for the period of March 01, 2010 through February 28, 2011; 2) progress toward completion of the EIS; and 3) projected work for the year to come (fiscal year 2012). The format of this report corresponds with the specific section of the Order, to the extent there are associated actions to report.

Compliance with the Order:

Section 1. and 2. As previously reported, these closures and/or terms and conditions, remain in effect and will not be reported on further, unless there is a failure to perform or other non-compliance.

Section 3. BLM made every effort to ensure that this section of the Order was followed. BLM staff coordinated and monitored project development, conducted grazing use supervision, and monitored resource conditions. These workloads were done in addition to other high priority and/or unplanned District work (such as: oversight and monitoring of the Owyhee Wild and Scenic River (WSR) boating season; ongoing litigation of the Louise Canyon Geographic Management Area Environmental Assessment (LCGMA EA); staff work on amendment of the Southeast Oregon Resource Management Plan (SEORMP); Endangered Species Act consultation; emergency wildfire suppression and post fire rehabilitation efforts). BLM staff conducted numerous compliance checks using ground vehicles, river floats, hiking and helicopter flight.

Section 4. Specific details in regard to cattle management (herding, etc.) will be addressed in later sections.

Section 6. BLM was unable to directly observe any major trailing activity, due to limited access and staffing, although post trailing inspections conducted during river trips and other site visits revealed no problems from livestock trailing. Priority focus went to resource inventory,

utilization checks, grazing supervision, trespass abatement and coordination. BLM will strive to observe and document any impacts from trailing or unauthorized use when monitoring resumes in March 2012. Based on conversations with affected permittees, staff observations, and post use reports, livestock trailing occurred without incident.

Section 7. The permittees of the Quartz Mountain and Morcom allotments continue to comply with the additional terms and conditions in their permits and performed to the requirements of the Order.

No livestock or sign of livestock use was observed at the following Areas of Concern (AOC), Fletcher Trails, Granite Creek, Bull Creek and Sand Springs during the 11 river patrols conducted between 3/26/11 and 7/24/11. Fences were checked at these four AOCs and found to be in good condition with the following exceptions: at Fletcher Trails there are two locations where the fence crosses stream beds coming into Fletcher Trails. At these locations the fence conditions were marginal but "cow tight". No cow sign was observed on the river side of the fences and very little sign was observed on the pasture side of the fences. This indicated that cows were not pressuring the fence. The Rangeland Management Specialist (RMS) for the Saddle Butte Allotment is aware of the locations and communicated the maintenance needs to permittees. There was negligible livestock sign at Ryegrass AOC from the authorized crossing earlier in the season. The fences at Ryegrass crossing and China Creek were in good condition. At Greely Bar AOC on 3/28/11, river staff found the gate to be in disrepair, and the RMS contacted the permittee. On 4/2/11 river staff observed the permittee repairing the gate.

Section 8 and 9. This section reflects the status of projects.

All projects identified by the Order of Modified Injunction were properly maintained and operated during the reporting period and all grazing activity was occurring within the scope of the Order of Modified Injunction and the terms and conditions of the grazing permits.

Section 11. The following is a synopsis of non-compliance, unauthorized use or activity, failure to perform and the follow-up actions that occurred.

Lower Section of Main Owyhee (Rome – Birch Creek):

No unauthorized cattle were observed on the west side of the river. Fence locations were confirmed and maintenance needs were reviewed. Access into and around Rinehart Ranch and other travel ways were noted.

Fencing: Several fences were checked and none needed maintenance.

Granite Creek - No unauthorized cattle were observed. There is some evidence of historic trailing. The trail gate was open. There was no observation of camping, ATV use or evidence of other recreational use.

Fencing: The fence seemed to have a few areas with need for minor maintenance where cows could get through. However, there doesn't appear to any cattle accessing the river despite the minor damage in the fence wire.

Sand Springs- No unauthorized cattle were observed. There is more evidence of OHV use and camping access to the river. The way accessing the river beyond the fence appears to get some limited ATV use and there is a minimally worn trail.

Fencing: The fence where an unauthorized way terminates is in good condition.

Fletcher Trails- No unauthorized cattle were observed. The impacts around the riparian zone near the river appear to be from recreational camping by float boaters. There was some evidence of ATV use but it stopped short of the Owyhee River and mostly was located in the drainage that runs from the road on the west side of the river and extends to the east.

Fencing: The EZ panels next to the gate are starting to lean; otherwise the fence is in good condition.

Cultural resource monitoring by BLM cultural resource personnel continued on this section of river during 2011. River staff reported no new incidents of cultural vandalism. On 6/20/11 river staff took Dr. Bill Andrefsky, Biddy Bender and Jen Ferris (archaeologists from Washington State University), on a river trip. They visited the following sites: MO-75 Bulls Eye petro, 35ML129, 35ML130 and 35ML131 Sand Springs, MO-105 Virgin Bar petro, Exit Camp rock shelters, 35ML163 Jackson Hole, 35ML168 Upper Hole-in-the-Ground, and 35ML169 Hole-in-the-Ground.

The BLM will try to utilize a volunteer partnership with Oregon Natural Desert Association (ONDA) in 2012 to provide increased documentation and monitoring of cultural resources within the Owyhee Wild and Scenic River corridor. ONDA will also be assisting the BLM with maintenance of gap fences along the river to improve livestock exclusion efforts.

Middle Section of Main Owyhee (Three Forks to Rome) including North Fork

5 Bar- There were five head of cattle located on the State block in the upland area above the trail access where the West Little meets the Main Stem of the Owyhee. In the river corridor there was evidence of cows lingering, however use would be considered slight.

Fencing: The gate was closed to the State land. The BLM will continue to work cooperatively with the Oregon Department of State Lands (DSL) to seek long-term remedy to livestock incursion in the Three Forks area from DSL administered lands.

North Fork Owyhee- No unauthorized cattle were observed. Fence locations were verified and maintenance needs documented. There was observation of some camping, OHV and other recreational use where the North Fork combines with the Main Stem.

Upper Section of Main Owyhee (State Line to Three Forks)

Sand Hollow- No unauthorized cattle were observed. There is some evidence of historic trailing. The trail gate was closed. There was no observation or evidence of camping, ATV, or other recreational use.

Dreary Pasture- No unauthorized cattle were observed. There is some evidence of historic trailing. The trail gate was closed. There was no observation or evidence of camping, ATV, or other recreational use.

Fencing: A fence that did not appear to be a 'lawsuit fence' was located and was barely intact. Most wires and posts were on the ground. The fence location was verified by using a GPS unit and was documented in its entirety.

Three Forks- No unauthorized cattle were observed. Fence locations were verified and documented. There was observation of impacts resulting from camping, OHV use and other recreational use.

Fencing: The fences appear to be in good condition.

West Little Owyhee (Anderson Crossing to Five Bar)

There was some evidence of livestock within the river corridor but use levels would be considered light. Additional fencing to restrict livestock access to this section of the river was analyzed in the LCGMA EA but implementation has been halted by litigation.

Progress Toward Completion of EIS

Work on the Southeastern Oregon Resource Management Plan EIS continued. Specialist reports from 2002 were updated. Wilderness characteristics inventories have been completed and determinations of meeting/not meeting wilderness criteria have been made for most parcels. Road inventories have been completed. Preliminary alternatives that include consideration of livestock grazing within the Wild and Scenic River corridor have been developed.

Anticipated Progress Toward Completion of EIS (FY2012)

The BLM anticipates release of the SEORMP DEIS in late 2012, with plans to complete the Final EIS and Record of Decision in calendar year 2013.

Respectfully submitted,



Donald N. Gonzalez
District Manager